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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.

Plaintiff, Counter-defendant
v.

APPLE INC.,

Defendant, Counterclaimant

Case No. 4:20-cv-05640-YGR

**DECLARATION OF MARK A. PERRY
IN SUPPORT OF APPLE'S MOTION TO
STRIKE CERTAIN HEARING
TESTIMONY**

The Honorable Yvonne Gonzalez Rogers

1 I, Mark A. Perry, hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California and a member of the
3 Bar of this Court. I am a partner at the law firm Weil, Gotshal & Manges LLP, counsel of record
4 for Apple Inc. (“Apple”) in this case. I am familiar with Apple’s treatment of privileged
5 information based on my personal experience representing Apple. I have personal knowledge of
6 the facts stated below and, if called as a witness, would testify competently thereto. I submit this
7 declaration in support of Apple’s Motion to Strike Certain Hearing Testimony (the “Motion”).

8 2. Attached as **Exhibit A** is a true and correct redacted copy of the February 24, 2025
9 evidentiary hearing transcript for the above-captioned matter.

10 3. Attached as **Exhibit B** is a true and correct redacted copy of a letter sent on
11 February 24, 2025 via electronic mail from Joshua Wesneski to Gary Bornstein.

12 4. Attached as **Exhibit C** is a true and correct redacted copy of a letter sent on
13 February 28, 2025 via electronic mail from Gary Bornstein to Joshua Wesneski.

14 5. Attached as **Exhibit D** is a true and correct redacted copy of a letter sent on March
15 5, 2025 via electronic mail from Mark Perry to Gary Bornstein.

16 6. Attached as **Exhibit E** is a true and correct copy of e-mail correspondence between
17 counsel for Epic Games and counsel for Apple between the dates of February 20, 2025 and
18 February 23, 2025.

19 I declare under penalty of perjury that the foregoing is true and correct.

20 Executed on March 7, 2024

21 By: /s/ Mark. A Perry
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